

**MUNICIPAL MINUTES, CITY OF TUPELO**  
**STATE OF MISSISSIPPI**

**JANUARY 7, 2014**

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, January 7, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Chaplain David Hamilton of the Tupelo Police Department followed by the Pledge of Allegiance led by Councilman Mike Bryan.

**IN THE MATTER OF CALLING THE MEETING TO ORDER**

President Davis called the regular meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR**  
**AMENDMENT OF AGENDA AND AGENDA ORDER**

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the Council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD: #7.15 Amendment to Tupelo Employee Handbook  
ADD: Executive Session – Pending Litigation

**4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

**IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS**

No scouts were present for recognition.

**IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES**

Mayor Shelton chose this section of the agenda to recognize the many City of Tupelo employees who had gone above and beyond the line of duty following the tragic event of December 23, 2013, in which Sgt Gale Stauffer of the Tupelo Police Department lost his life and Officer Joseph Maher was critically wounded during an attempted bank robbery:

Chief Bart Aquirre, Deputy Chief Allan Gilbert and the entire Tupelo Police Force who worked around the clock not just on the investigation but to comfort the families of the two officers.

Todd Hunt and the crew at BancorpSouth Arena

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Don Lewis, Chief Operations Officer

Cassandra Moore, Director of Human Resources, for her quick response to make sure we were taking care of the victims and their families.

Fire Chief Thomas Walker and the entire Tupelo Fire Department.

Sandy Shumaker, Kayla Sanderson and the crew that worked making ribbons for Sgt. Stauffer's memorial at Fairpark on December 25, 2013.

All the Tupelo Department Heads – each contributing from Tupelo Public Works to the Convention & Visitors Bureau. It was truly a team effort and Mayor Shelton said he had never been so proud of the City of Tupelo.

In addition to recognition of City of Tupelo employees, Mayor Shelton expressed appreciation to the following:

FBI Special Agent-in-Charge Daniel McMullen who led a clean, concise, and thorough investigation; Sheriff Jim Johnson and the Lee County Sheriff's Office; Governor Phil Bryant; Attorney General Jim Hood; Brent Waldrop, Randy Birchfield and Dan Rollins of BancorpSouth; Other banks who contributed to the reward fund including Renasant, Regions and Trustmark; The Community Development Foundation made a donation to each officer; Jim Beane with BBQ by Jim. Mr. Beane donated an extraordinary amount of resources and time but helped in coordinating others to provide food and supplies to keep officers working around the clock on the investigation; all churches, particularly First United Methodist, for providing services, prayers, food and support. Dozens of churches reached out to help in some way; the news media from all over the nation for helping get the information out to the public that eventually led to the end of the investigation.

As a result of the bad weather that has dominated the city's business for the past weeks, Mayor Shelton offered special thanks to the Tupelo Water & Light Department crews that have braved terrible weather conditions to keep the residents warm during the bad weather. In addition, he thanked the following organizations who assisted in these efforts: The Salvation Army; SAFE; Helping Hands; the Food Pantry; and the Tupelo Police Department; All Saints Episcopal Church and a number of other churches and individuals who came together to make sure that those in need have had a place to stay during the past few days of freezing weather.

Councilman Willie Jennings expressed his personal appreciation to the Tupelo Police Department for the way they go about their duties taking care of all the families of

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the City of Tupelo.

President Nettie Davis offered birthday greetings and congratulations to Tupelo citizen, Mrs. Eula Brame, who had recently celebrated her 103<sup>rd</sup> birthday.

**IN THE MATTER OF MAYOR'S REPORT**

Mayor Shelton began his report stating his thoughts and prayers are most heavily with the Stauffer/Brangenberg and Maher families. A fund has been set up for each family at BancorpSouth and he encouraged everyone to show their support to these families.

The new Tupelo Aquatic Center is now open and Mayor Shelton encouraged the City Council to vote tonight to make membership to the facility a benefit to City of Tupelo employees. He stated this would aid in making Tupelo a "fitter" city.

The bubble that formerly covered the City Pool has now been moved to enclose four tennis courts at Rob Leake Park and is ready for indoor tennis.

A number of free fitness programs are being planned as part of the TUPELO FIT program in conjunction with the Tupelo Healthy Task Force.

Mayor Shelton congratulated Sally Williams, Executive Secretary, on the birth of her granddaughter, Arianna Nicole Shelton.

**5. PUBLIC AGENDA**

No items were listed under the Public Agenda.

**6. ACTION AGENDA**

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION OF MAYOR AND CITY COUNCIL REQUESTING INTRODUCTION AND PASSAGE OF BILL ENTITLED "CITIZENS FOR ECONOMIC DEVELOPMENT ACT"**

Mayor Shelton had presented this Resolution to the City Council for their review and action. The Resolution requests the introduction and passage of a bill entitled "Citizens for Economic Development Act" (CEDA) and requests that the Mississippi Legislature pass the bill and that the Governor sign it into law. Since many municipalities in Mississippi do not have adequate capital or enough debt capacity to borrow money for essential services for their communities, this action would allow them

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additional sales tax funding to take care of these much needed projects. All particulars of the procedure are set forth in the Resolution which is attached to these minutes and incorporated herein as **APPENDIX A.**

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the Council voted unanimously to approve this Resolution.

**7. ROUTINE AGENDA**

**IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR COUNCIL MEETING OF TUESDAY, DECEMBER 17, 2013**

Upon a motion by Councilman Palmer, seconded by Councilman L. Bryan, the Council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, December 17, 2013.

**IN THE MATTER OF REVIEW/APPROVE MINUTES OF SPECIAL CALL COUNCIL MEETING OF MONDAY, DECEMBER 23, 2013**

Upon a motion by Councilman Jennings, seconded by Councilman L. Bryan, the council voted unanimously to approve the minutes of the special call City Council meeting of Monday, December 23, 2013.

**IN THE MATTER OF REVIEW/PAY BILLS**

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to approve payment of the following checks, bills having been approved at 4:30 p.m. by Council Members Whittington, L. Bryan, Newell, Davis, Palmer and Jennings:

Check Nos. 116988 through 117415 (Pool Cash Fund)  
Electronic transfers as shown on the face of the docket.  
Invoices as shown on the face of the docket.  
Requests made by AFLAC to reimburse employees under Flex-One  
Plan as shown on the face of the docket.

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION IN REGARD TO LIEN AGAINST REAL PROPERTY**

On April 2, 2013, the City Council voted to declare the property located at 1001 Blanchard Street belonging to Carl Shannon and Sandra Johnson to be a menace to public

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safety; that it constituted a public hazard and nuisance and that it should be demolished. As a result of the Council's action, the property was demolished in April 2013 and the owners were invoiced for the charges. The owners have failed to make monthly payments as to the agreement, and the Development Services Department has presented a Resolution Adjudicating Cost and Assessing Lien against Real Property under Miss. Code Ann. 211-19-11 (Supp. 2009) for Council approval to place a lien against this property. Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the Council voted unanimously to approve this Resolution to place a lien against said property, a copy being attached to these minutes as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS PROPERTY BY TUPELO POLICE DEPARTMENT**

The Tupelo Police Department had submitted a request to the City Council that certain items be declared surplus. Items consist of three Portable Breath Testers and two Tasers purchased by the Tupelo Police Department with funds from a shared grant with the Lee County Sheriff's Office. After they have been declared surplus, they will be turned over to the Lee County Sheriff's Office. A copy of the memorandum dated January 7, 2014, containing serial numbers of these items is attached to these minutes as **APPENDIX C.** Upon a motion by Councilman Palmer, seconded by Councilman M. Bryan, the Council voted unanimously to grant the request to surplus these items.

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO RETIRE/SURPLUS POLICE K9**

The Tupelo Police Department had submitted a request to the City Council to approve retirement and surplus of Police K9 OOCKER, which was purchased by the Department for official use for the City. Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the Council voted unanimously to declare OOKER as surplus and retire him to the care and use by Police Officer Walker Wilkerson, his current handler.

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO RETIRE/SURPLUS POLICE K9**

The Tupelo Police Department had submitted a request to the City Council to approve retirement and surplus of Police K9 BO, which was purchased by the Department for official use for the City. Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the Council voted unanimously to declare BO as

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surplus and retire him to the care and use by EX-K9 Officer Daniel McKinney for its remaining days and for private use by Officer McKinney.

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO DONATE LEAVE TO TUPELO POLICE OFFICER**

Police Chief Bart Aguirre had submitted a request to Mayor Shelton that City of Tupelo employees be allowed to donate vacation/sick leave to Officer Joseph Maher. Officer Maher was shot in the line of duty on December 23, 2013, during an attempted bank robbery, and it is unknown at this time when he will be able to return to work.

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the Council voted unanimously to approve the request of Chief Aguirre to allow those City employees who wish to donate leave to this officer to be allowed to do so.

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO SET FEE ON COURT FINES**

Upon a motion by Councilman M. Bryan and a second by Councilman L. Bryan, the Council voted unanimously to approve the addition of a \$5.00 fee to current Municipal Court fees to cover the additional cost to the city of those customers who wish to pay their court fines online.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR THOROUGHFARE PROGRAM MEETING**

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the Council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of November 18, 2013, a copy being attached hereto as **APPENDIX D.**

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO DONATE LEAVE TO TUPELO WATER & LIGHT DEPARTMENT EMPLOYEE**

Johnny Timmons, Manager, Tupelo Water & Light Department, had submitted a request to Mayor Shelton and the City Council for approval for City employees to donate leave to employee Larry Gill. Mr. Gill has suffered an injury and is in need of additional leave until he is able to return to work.

Upon a motion by Councilman Newell, seconded by Councilman Whittington, the Council voted unanimously to approve this request for any employee who desires to donate leave to Water & Light Department employee Larry Gill.

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**IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS ITEMS BY  
TUPELO WATER & LIGHT DEPARTMENT**

Johnny Timmons, Manager of the Tupelo Water & Light Department, had submitted a list of items requesting that they be declared surplus. Upon a motion by Councilman Palmer and a second by Councilman Whittington, the Council voted unanimously to approve this list of items as surplus. A copy of the list is attached to these minutes as **APPENDIX E.**

**IN THE MATTER OF REVIEW/AWARD BID FOR CITY OF TUPELO'S LEAD  
DEPOSITORY BANK**

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the Council voted unanimously to accept the bid proposal of Trustmark National Bank to serve as the depository for the City of Tupelo at the fixed rate bid for a two-year period of 0.120%. Three (3) proposals were received and were evaluated based on the criteria yielding the highest interest rate to be paid on City funds by the depository and the lowest services charges and other fees to be charged by the depository. After the evaluation was completed, Trustmark National Bank was recommended as the City of Tupelo's lead depository bank. A copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX F.**

**IN THE MATTER OF CONSIDERATION OF LOT MOWING LIEN AND PENALTY  
OF PARCELS 089F-30-007 AND 008, CLINTON AND CHURCH STREETS**

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the Council voted unanimously to cancel a lien against property located at 833 Church Street (Parcel Number 089F3000800) and belonging to Birdia Bush. On May 3, 2011, the Development Services Department had placed this property before the City Council on its lot mowing list due to finding that the lot was a menace to the public health, safety and welfare of the community. However, the Council did not approve any of the submitted lot mowings at that meeting.

At the May 17, 2011, Council meeting the Development Services Department again submitted a lot mowing list at which time #7429, property in question located at 833 Church Street and belonging to Birdia Bush, was deleted since it had already been mowed.

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On July 17, 2012, a list of properties, including 833 Church Street, was assessed by the Council and a lien of \$1,545.00 was placed on the property. Due to an error, however, this property should not have been included on the listing of assessment liens

since it had previously been removed from the lot mowing list on May 17, 2011, as having been mowed.

The property owner is now attempting to sell the property and has discovered the lien when a title search was made. Owner has requested the lien be removed. City Attorney Logan has researched this issue and concurs that the assessment lien be cancelled in order for the owner to move forward with the sale of the property.

#### **IN THE MATTER OF REVIEW/APPROVE APPOINTMENT OF POLICE CHIEF TO E-911 BOARD**

Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the Council voted unanimously to approve the appointment of the newly-appointed Tupelo Chief of Police Bart Aguirre to represent the City of Tupelo on the Lee County E-911 Board.

Chief Aguirre's term will begin on Tuesday, January 14, 2014, and expire on January 14, 2018. On October 29, 2013, Chief Aguirre had been appointed to this position to complete the term of the former Police Chief Tony Carleton.

#### **IN THE MATTER OF REVIEW/APPROVE RESOLUTION AMENDING CITY OF TUPELO EMPLOYEE HANDBOOK**

Upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the council voted unanimously to approve a Resolution Providing for Amendment to City of Tupelo Employee Handbook by Adding Membership to Tupelo Aquatic Center as Employee Benefit. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX G.** A new state-of-the art aquatic center has recently been constructed at Veterans Park which provides many opportunities for recreational and exercise programs. The City wishes to offer membership to this Center free-of-charge to its employees to improve their health and morale. A listing of all benefit programs now available to eligible City employees is included in the Resolution and the Employee Handbook will be amended accordingly.

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#### **8. STUDY AGENDA**

#### **IN THE MATTER OF REVIEW/DISCUSS RESOLUTION OF ACCEPTANCE OF SUMMIT SUBDIVISION STREETS**



This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS CONTRACT FOR OUTSIDE LEGAL SERVICES**

This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS AMENDMENTS TO LOT MOWING PENALTIES**

This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS REVISED GUIDELINES FOR NEIGHBORHOOD BEAUTIFICATION PROGRAM**

This item will remain on the Study Agenda.

**IN THE MATTER OF EXECUTIVE SESSION**

Upon a motion by Councilman M. Bryan and a second by Councilman Whittington, the Council voted unanimously to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the Council voted unanimously to go into executive session to discuss two pending litigated matters, i.e., Claim filed in Lee County Claims Court, and Claim filed in Lee County Chancery Court.

Upon a motion by Councilman Palmer, seconded by Councilman L. Bryan, the Council voted unanimously to come out of executive session and return to the regular meeting with no action to be taken in open session.

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**IN THE MATTER OF ADJOURNMENT**

There being no further business to come before the Council, upon a motion by Councilman Newell and a second by Councilman M. Bryan, the Council voted unanimously to adjourn the regular meeting at 7:10 p.m.

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PRESIDENT

ATTEST:

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CLERK OF THE COUNCIL

APPROVED:

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MAYOR